

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARILYN I. ELLMAN,

Plaintiff,

Civil Action No.
04-CV-72851-DT

vs.

HON. BERNARD A. FRIEDMAN

CLAIRE ELLMAN PRYOR, et al.,

Defendants.

**OPINION AND ORDER REJECTING DEFENDANTS' MOTIONS FOR ATTORNEY
FEES, COSTS, AND SANCTIONS**

This matter is presently before the court on defendants' motions for attorney fees, costs and sanctions. Plaintiff has responded to these motions, which the court shall decide without oral argument.

Fed R. Civ. P. 11(c)(2) describes the type of sanctions a court may impose for filing a frivolous pleading:

A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of, or include, directives of a nonmonetary nature, or order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation.

In this matter, plaintiff's claims and litigious history border on an abuse of the judicial system and a waste of court resources. Plaintiff filed a 68-page complaint asserting nearly a dozen claims against her sister, her cousin, and the attorneys and law firm who drafted

estate documents for her mother, sister, and aunt. Furthermore, in less than a year, plaintiff has filed over 20 motions, many of which were at least arguably frivolous.

Despite the substantial resources expended in this matter and defendants' request for \$33,248.82, in attorney fees and costs, the court shall not impose costs and fees at this time.

Instead, the court will require plaintiff to submit any future cause of action against defendants to it for pre-filing review. Plaintiff may file a future case against defendant only if the court allows the lawsuit and only after reviewing any future complaint against defendants. Furthermore, plaintiff may not file any more motions in the instant case. If plaintiff violates this order, then Rule 11 sanctions will be imposed to the greatest degree.

IT IS ORDERED that defendants' motions for sanctions are denied.

IT IS FURTHER ORDERED that plaintiff refrain from filing any further lawsuits in this jurisdiction, against defendant, without obtaining prior written permission from one of the judges of this court.

IT IS FURTHER ORDERED that plaintiff refrain from filing any further motions in this matter.

s/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: August 3, 2005
Detroit, Michigan

**I hereby certify that a copy of the foregoing document
was served this date upon counsel of record
electronically and/or via first-class mail.**

/s/ Patricia Foster Hommel
Patricia Foster Hommel
Secretary to Chief Judge Friedman